

On March 27 and July 1, 1942, the United States attorneys for the District of Wyoming and the District of Idaho filed libels against 43 cartons each containing 6 No. 10 cans of blackberries at Cheyenne, Wyo., and 50 cases each containing 6 No. 10 cans of cherries at Lewiston, Idaho, alleging that the articles had been shipped in interstate commerce on or about March 5 and May 29, 1942, by Pacific Fruit & Produce Co. from Seattle, Wash., and Portland, Oreg.; and charging that they were adulterated in that they consisted wholly or in part of filthy substances. The articles were labeled in part: (Cans) "Nation's Garden Brand Water Pack Blackberries * * * Packed For Fine Foods, Inc. Seattle Minneapolis"; or "Mountainview Brand Water Pack Red Sour Pitted Cherries * * * Packed By Western Oregon Packing Corp. Corvallis Oregon."

On May 22, 1942, Pacific Fruit & Produce Co. having consented to the entry of a decree of condemnation of the blackberries, judgment of condemnation was entered and they were ordered destroyed. On August 12, 1942, no claimant having appeared for the cherries, judgment was entered ordering that they be destroyed.

3532. Adulteration of canned blackberries. U. S. v. 15 Cases and 15 Cases of Canned Blackberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 6641, 6642. Sample Nos. 61579-E, 61580-E.)

On January 2 and 3, 1942, the United States attorneys for the Eastern and the Western Districts of Pennsylvania filed libels against 15 cases, each containing 6 No. 10 cans, of blackberries at Allentown, Pa., and 15 cases, each containing 6 No. 10 cans, of blackberries at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about October 13, 1941, by Washington Packers, Inc., from Tacoma and Sumner, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Inavale Brand * * * Blackberries."

On January 28 and February 16, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3533. Misbranding of canned cherries. U. S. v. 367 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 6630. Sample No. 72535-E.)

This product was substandard in quality not only because of excessive pits, but also because of low drained weight.

On January 2, 1942, the United States attorney for the Southern District of California filed a libel against 367 cases, each containing 6 No. 10 cans, of cherries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 30, 1941, by Cherry Products Co. from Loveland, Colo.; and charging that it was misbranded. It was labeled in part: "Morello Cherries."

The article was alleged to be misbranded (1) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; (2) in that it was in package form and did not bear an accurate statement of the quantity of contents; (3) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard; and (4) in that it purported to be a food for which a standard of fill of container had been prescribed by regulations as provided by law, but it fell below the standard of fill of container applicable thereto and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 21, 1942, Reinke, Hiller & Amende, Inc., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. It was relabeled.

3534. Adulteration of canned cherries. U. S. v. 200 Cases of Cherries. Consent decree ordering portion of product released to consignee; remainder ordered destroyed. (F. D. C. No. 5769. Sample No. 61543-E.)

Examination showed that this product contained maggots.

On September 17, 1941, the United States attorney for the Territory of Hawaii filed a libel against 200 cases, each containing 6 No. 10 cans, of cherries at Honolulu, T. H., which had been consigned by Washington Packers, Inc., alleging that the article had been shipped in interstate commerce on or about August 19, 1941, by Washington Packers, Inc., from Sumner, Wash.; and charging that it was adulterated in that it contained maggots and was in whole or in part filthy, putrid, and decomposed and otherwise unfit for food.

The article was labeled in part: "Inavale Brand Water Pack Pitted Red Tart Cherries."

On March 19, 1942, Washington Packers, Inc., claimant, having admitted the allegations of the libel as to a portion of the product, judgment was entered ordering that that portion be destroyed. The remaining portion, which had been found fit for human consumption was released to the consignee for its use.

3535. Misbranding of canned grapefruit. U. S. v. 27½ Cases and 10 Cases of Canned Grapefruit. Decrees of condemnation. Product ordered delivered to local charitable agencies. (F. D. C. No. 6885. Sample No. 65964-E.)

Examination showed that this product was not of Fancy quality, as labeled, because of the presence of seeds, badly disintegrated segments, and marked variation in the size of segments which were not disintegrated.

On April 15 and May 18, 1942, the United States attorney for the District of Colorado filed libels against 37½ cases, each full case containing 24 No. 2 cans, of grapefruit at Denver, Colo., which had been consigned by the First National Bank of Mission, alleging that the article had been shipped in interstate commerce on or about September 19, 1941, from McAllen, Tex.; and charging that it was misbranded. It was labeled in part: (Cans) "Full O'Life Fancy Sections Pink Grapefruit * * * Brough Canning Corporation Mission Texas."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality.

On April 29 and June 5, 1942, the First National Bank of Mission, Tex., owner of the product, having signed an acceptance of service and authorization for taking of final decree, judgments of condemnation were entered and the product was ordered delivered to local charitable agencies.

3536. Adulteration of canned huckleberries. U. S. v. 20 Cases, 118 Cases, and 20 Cases of Canned Huckleberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 6940, 7121, 7184. Sample Nos. 85349-E, 85391-E, 93216-E.)

Examination showed that this product contained insect larvae.

On February 27 and April 2 and 9, 1942, the United States attorney for the District of Oregon filed libels against 138 cases each containing 6 No. 10 cans of huckleberries at Portland, and 20 cases each containing 6 No. 10 cans of huckleberries at Eugene, Oreg., alleging that the article had been shipped in interstate commerce on or about January 9, 1942, by Washington Packers, Inc., from Puyallup, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "White Star Brand Huckleberries * * * Packed for General Grocery Company, Inc., Portland, Oregon."

On April 13 and May 11, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3537. Misbranding of canned pears. U. S. v. 89 Cases of Canned Pears. Default decree of condemnation. Product ordered delivered to local charitable agencies. (F. D. C. No. 6875. Sample No. 65983-E.)

Examination showed that this product was substandard in quality because all units were not untrimmed or so trimmed as to preserve their normal shape.

On February 17, 1942, the United States attorney for the District of Colorado filed a libel against 89 cases, each containing 24 cans, of pears at Denver, Colo., which had been consigned by the Olympia Canning Co., alleging that the article had been shipped in interstate commerce on or about August 28, 1941, from Olympia, Wash.; and charging that it was misbranded. It was labeled in part: (Cans) "Silver Band Net Weight 1 Lb. 12 Ozs. Barlett Pear Halves in Medium Syrup The Morey Mercantile Company Distributors Denver, Colo."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On April 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to local charitable agencies.